APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,918	07/09/2001	Ken Fernald	CYGL-24,692	7118

			EXAMINER
25883	7590	12/24/2003	ANDERSON, MATTHEW D

HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

ART UNIT	PAPER NUMBER
2186	

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/901,918	FERNALD, KEN
	Examiner	Art Unit	
	Matthew D. Anderson	2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 July 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a)☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.   Claim 7 recites the limitations "the lower logical portions" and "the top most logical portions" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. Are these separate "portions" of the memory from the one currently accessed? What makes one portion "lower" or "top most"?

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hotley (US Patent # 5,442,704).

6.   With respect to claim 1, Hotley discloses:

storing in a location in memory a plurality of lock bits, each associated with a separate

logical portion of the memory space and determinative as to the access thereof for a

predetermined operation thereon, as shown by the lock bits (item 54a) for each row (54b) of the

memory array in figure 4;

detecting a request for access to a location in the memory space for operating thereon, as

shown in figure 6b;

comparing the requested operation with the associated lock bit in the associated logical

portion and determining if access is allowed for the requested operation, and performing the

requested operation if allowed, as shown by protection determination and ensuing execution

starting in step 626 in figure 6b.

7.   With respect to claim 2, Hotley discloses the operation being a read of an addressable

location, as recited in column 9, lines 2-6.

8.   With respect to claim 3, Hotley discloses the operation being a write of an addressable

location, as recited in column 9, lines 2-6.

9.   With respect to claim 4, Hotley discloses the operation being an erase of the associated

logical portion of an addressable location therein, by teaching in column 9, line 25, of a block

erase operation.

10.   With respect to claim 5, Hotley discloses:

storing the plurality of lock bits in a variable location in the memory and storing the lock

bit in a known location in the memory, as shown by one lock bit being stored for each row of

memory in figure 4;

in the step of comparing, the location of the lock bits is first read for m the memory and

then the lock bits are read from memory, by teaching in column 13, lines 24-35, that each step

instruction causes the middle address bits stored in the address latch counter 30-3 to be

incremented by one for readout of the next lock bit location LMB1, then contents of the location

LMB1 is compared with the key bit presented by ACP 10 which is the first key bit of the

sequence to be compared.

11.   With respect to claim 6, Hotley discloses the predetermined operation being an erase of

the lock bits, by teaching in column 11, lines 10-15, that when a block is erased, all of its data

including the lock bits stored in the lock storage area are set to ONEs.

12.   With respect to claim 7, Hotley discloses the operation of erasing the lock bits requires

that each of the lower logical portions to be erased before the top most portion that contains the

lock bits, by teaching in column 14, lines 15-20, of an erase being performed on the block

designated by the most significant bits contained in the counter.

Conclusion

13.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action. The documents cited therein teach similar

access limiting systems.

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew D. Anderson whose telephone number is (703) 306-

5931. The examiner can normally be reached on Monday-Friday, 2nd Fridays off.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (703) 305-3821. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

     Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Matthew D. Anderson
November 19, 2003